**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.12621 OF 1996**

**ORAL ORDER:**

This writ petition is filed seeking a declaration that the action of the 5th respondent in styling himself as the President of the Fishermen Co-operative Society, Vadlamudi without proper election, and that the inaction on the part of the respondents 2, 3 and 7 in taking any action against him as arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is stated that the Fishermen Co-operative Society, Vadlamudi, consists of 170 fishermen belonging to SC, ST and Backward classes. It is alleged that the 4th respondent, who was the elected President of the Society, had resigned and, thereafter, the 5th respondent styling himself as the President of the Society filed W.P.No.26897 of 1995 for grant of fishing rights for the year 1995-96. It is also alleged that the respondents 4 and 5, who belong to the same family, in collusion with each other, have been misusing the funds of the Society and that in spite of complaints made to the respondents 2 and 3, no action has been taken against them. Hence, this writ petition with the above prayer.

In response to the notice ordered, the Assistant Director of Fisheries, Guntur, filed a counter affidavit on behalf of respondents 2, 3 and 7 denying the allegations made by the petitioner and stating that the 5th respondent is the President of the Society and that he has been maintaining the records properly as per statutory rules. It is further stated that the 4th respondent had tendered resignation to the post of President on 1.10.1995 and that the same was accepted by the Assistant Director of Fisheries & Ex-officio Deputy Registrar of the Fishermen Co-operative Society, Guntur, on 6.10.1995. Thereafter, the Managing Committee of the Society elected the 5th respondent unanimously as President on 15.10.1995 following due process of law.

The allegation of misappropriation of funds by the 5th respondent has been denied stating that no such irregularity was pointed out in the audit.

From the counter affidavit filed by the competent authority, who is the Ex-officio Deputy Registrar of the Society in question, it is clear that the 5th respondent was duly elected as President on 15.10.1995. Nothing has been placed by the petitioner before this Court contradicting the version of the respondents. In the circumstances, the allegations made by the petitioner are unfounded and, therefore, the relief as prayed for cannot be granted.

Accordingly, the writ petition is dismissed. No costs.

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**(G. ROHINI).**

18th January, 2007.
Kgr

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.12621 OF 1996**

18th January, 2007.

Between:

Devarakonda Subbaiah. .. Petitioner.

And

The Executive Officer,
Vadlamudi Gram Panchayat,
Vadlamudi, Guntur District and others. .. Respondents.